

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CUONG HUY DAO,

Plaintiff,

v.

C. VANHORN, et al.,

Defendants.

No. 2:23-cv-00682-TLN-CKD P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. On September 26, 2023, the undersigned issued Findings and Recommendations that this case be dismissed without prejudice based on plaintiff's failure to file an amended complaint within the time provided. Plaintiff filed objections to the Findings and Recommendations indicating that he never received the court's order dismissing his original complaint with leave to amend. Based on plaintiff's objections, the court will re-serve a copy of the order dismissing plaintiff's complaint and will grant him an extension of time to file an amended complaint.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of Court is directed to re-serve a copy of the August 10, 2023 screening order on plaintiff.
2. Plaintiff is granted thirty days from the date of this order in which to file an amended

1 complaint.

2 3. If plaintiff files an amended complaint within the time provided, the court will vacate  
3 the September 26, 2023 Findings and Recommendations and screen plaintiff's amended  
4 complaint.

5 4. Failure to comply with this order will result in the referral of the pending Findings and  
6 Recommendations to the district court judge assigned to this case.

7 Dated: October 17, 2023



CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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